

REMARKS

The Official Action mailed August 24, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on January 14, 2004; and December 21, 2005.

Claims 1-18 and 31-39 were pending in the present application prior to the above amendment. Claims 1-3, 10-12 and 31-33 have been amended to better recite the features of the present invention, and new dependent claims 40-46 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-18 and 31-46 are now pending in the present application, of which claims 1, 10 and 31 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action objects to the specification for typographical informalities in the specification. Specifically, the Official Action suggests that "slub" be changed to "slab." In accordance with the suggestion in the Official Action, the specification has been amended to change "slub" to "slab" and to correct other minor typographical informalities. Reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1, 3, 4-8, 10, 11, 13-17, 31, 32 and 34-38 as anticipated by U.S. Patent No. 5,963,364 to Leong. The Applicant respectfully traverses the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application. Independent claims 1, 10 and 31 recite an optical system for uniforming an energy distribution of each of a plurality of laser beams. For the reasons provided below, the Applicant respectfully submits that Leong does not teach the above-referenced features of the present invention, either explicitly or inherently.

The Official Action asserts that "Leong discloses in Fig. 2A, 4 and 5 ... an optical system for uniforming an energy distribution of each of said plurality of laser beams and for processing each of said plurality of laser beams having different wavelengths from each other into said square or rectangular cross-section (303) on said surface to be irradiated ..." (pages 2-3, Paper No. 20060820). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Leong appears to disclose an optical system, since Leong discloses switchable optics 116 (column 8, lines 63-67) and an "X-Y aperture 120 which is used to form a square or rectangular cross-section for the beam" (column 8, lines 36-39). However, Leong does not teach or suggest an optical system for uniforming an energy distribution of each of a plurality of laser beams.

Since Leong does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 3, 12 and 33 as obvious based on the combination of Leong and U.S. Patent No. 5,231,641 to Ortiz and claims 9, 18 and 39 as obvious based on the combination of Leong and U.S. Patent No. 5,229,569 to Miyauchi. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).


Please incorporate the arguments above with respect to the deficiencies in Leong. Ortiz or Miyauchi does not cure the deficiencies in Leong. The Official Action relies on Ortiz or Miyauchi to allegedly teach the features of the dependent claims. Specifically, the Official Action relies on Ortiz to allegedly teach "a zigzag YAG laser" (page 4, Paper No. 20060820) and on Miyauchi to allegedly teach "a load/unload chamber; a transfer chamber; a robot arm; and a laser irradiation chamber" (Id.). However, Leong and Ortiz or Miyauchi, either alone or in combination, do not teach or suggest an optical system for uniforming an energy distribution of each of a plurality of laser beams. Since Leong and Ortiz or Miyauchi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 40-46 have been added to recite additional protection to which the Applicant is entitled. The features of claims 40-46 are supported by the

present specification, for example, in the Embodiment Mode (beginning on page 35). For the reasons stated above and already of record, the Applicant respectfully submits that new claims 40-46 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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